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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/138,039 08/20/98 ALLEN

M 35A

IM62/0301

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EXAMINER

LEYSON, J

ART UNIT

PAPER NUMBER

1722

DATE MAILED:

03/01/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/138,039

Applicant(s)
Allen

Examiner
Joseph Leyson

Group Art Unit
1722



☒ Responsive to communication(s) filed on 8-20-98

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-13 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-13 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3, 5

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. It is noted that this application on p. 1 is disclosed to be a continuation of provisional patent application no. 60/077,780. An application claiming the benefits of a provisional application under 35 USC 119(e) should not be called a "continuation" of the provisional application since the application will have its patent term calculated from its filing date, whereas an application filed under 35 USC 120, 121, or 365© will have its patent term calculated from the date on which the earliest application was filed. See MPEP 201.07. If applicants are claiming the benefit of the provisional application and want the patent term of this application calculated from its filing date, the examiner suggests changing "is a continuation of" in line 5 on p. 1 to --claims the benefit of Provisional--.

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

3. Claims 4, 5 and 10-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 4, line 3, --said-- should be inserted after "with" for antecedent basis clarity.

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In claim 5, line 4, "conrol" should be changed to --control--; and line 5, --instrument-- should be inserted after "the" (first occurrence) for antecedent basis clarity and for proper idiomatic language.

In claim 10, line 9, "each side" lacks antecedent basis and is confusing. The examiner suggests deleting "each side" or changing "each side" to --opposite sides--.

In claim 12, line 5, "detchably" should be changed to --detachably--; line 10, --an-- should be inserted after "having"; and line 16, --instrument-- should be inserted after "the" (first occurrence) for antecedent basis clarity and for proper idiomatic language.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-8 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (-566) in view of Demars (-674).

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Allen et al. (-566: see figures) disclose an apparatus including a manifold with instrument air passages 110, 111, and with process air passages 101-106 and polymer passages 86, 87 in fluid communication, respectively, die modules 12 including die bodies 16 having process air passages and polymer passages in fluid communication with those of the manifold, meltblowing die tips 13 having process air passages and polymer passages in fluid communication with those of the die bodies and air actuated valves 21 for opening and closing the polymer passages therein, control means 120 for selectively delivering instrument air, means 94 for delivering polymer melt to the manifold, and means 107 for delivering air to the manifold. However, Allen et al. (-566) does not disclose the manifold including a plurality of segments.

Demars (-674) discloses an apparatus including a manifold formed by seven identical manifold segments 21-27 in side by side relationship for dispensing materials to an equal number of ports 51-57 through actuated valves 41-47.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the apparatus of Allen et al. (-566) with a segmented manifold because such a modification would provide segmented dispensing of material enabling different dispensing set-up arrangements and segmented

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control as disclosed by Demars(-674: i.e. abstract; cols. 3, 5 and 6). As to the numerical requirements of the instant claims, i.e. "each manifold segment ... is from 0.25 to 1.5 inches in width", the specification contains no disclosure of either the critical nature of these requirements or any unexpected results arising therefrom, and as such these requirements would be arbitrary and therefore obvious. Applicants must show that these requirements are critical. In re Woodruff, 16 USPQ 2d 1934.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al.(-566) in view of Demars(-674) as applied to claims 1-8 and 10-13 above, and further in view of Boger et al.(-137).

Boger et al.(-137) discloses an heaters 21 for heating a manifold 12.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to further modify the apparatus with heaters in the manifold because such a modification is well known and conventional in the art as disclosed by Boger et al.(-137) and would heat the material within the manifold.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Allen et al.(-670) and Allen et al.(-219) are cited as of interest.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Leyson whose telephone number is (703) 308-2647.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Applicant's response may be mailed or faxed. However, note that some correspondence may not be faxed, i.e. certain correspondence requiring an original signature and certain drawing changes (see MPEP 502.01). The fax number for Technology Center 1700 is (703) 305-7718. If the response is faxed, a duplicate mailed copy of the facsimile transmission is not required and will only serve to delay processing of your application.

jl
jl

Harold Pyon
HAROLD PYON
SUPERVISORY PATENT EXAMINER
1722

2/28/00

February 26, 2000